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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,554	10/10/2001	Markus Lindqvist	4208-4026	7197

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MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10281-2101

EXAMINER

TRAN, ELLEN C

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/974,554	<b>Applicant(s)</b> LINDQVIST ET AL.	
	<b>Examiner</b> Ellen C. Tran	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This action is responsive to communication: filed on 17 October 2006, with acknowledgement of an original application filed on 10 October 2001
2. Claims 1-32 are currently pending in this application, claims 1-28 and 32 are withdrawn from consideration. Claim 29 has been amended; claim 29 is an independent claim. Amendments to the claims have been accepted.

***Response to Arguments***

3. Applicant's arguments with respect to 29-31 have been considered but they are moot due to new grounds of rejection below initiated by amendment to the independent claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Slik U.S. Patent No. 7,028,071 (hereinafter '071).

**As to independent claim 29, “A system for distribution of content over a wireless link, comprising”** is taught in '071 col. 3, lines 4-18 “Content can be, but is not limited to, audio, video, data, graphics, text and multimedia information. The content is preferably transmitted via a distribution system which can be a communications network including, but not

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limited to, direct network connections ... (e.g., physical paths and wireless paths). For example, content can be sent via satellite or other wireless path”;

**“one or more global caster modules, wherein each of the global caster modules receives content to distribute to all locations in a network”** is shown in ‘071 col. 3, lines 21-23 “The user devices preferably locate, request and obtain content from a plurality of content providers referred to generally as 14 (e.g., a broadcast station 14a) via a distribution router. A content provider 14 can be an entity that places content and metadata associated therewith onto a distribution network (e.g., via radio or television stations or a cable television headend)”, note plurality of content providers is ‘one or more’, by placing the content onto the distribution network it is meant for all locations in the network;

**“one or more local caster modules, wherein each of the local caster modules receives content to distribute to only certain location in said network; and”** is disclosed in ‘071 col. 3, lines 26-37 and col. 3, line 66 through col. 4, line 3 “A content distributor such as a broadband provider or cable company can then transmit the content on the distribution network” and “As stated previously, a distribution router 16 preferably resides in a broadband provider's network and provides content stream delivery services and multicast services to user devices 12 that are preferably locally connected”, note the local caster modules are interpreted to be distribution routers or broadband provider or cable company which provide services to users based on their location or ‘locally connected’;

**“one or more transmission devices associated with at least one of the modules”** is taught in ‘071 col. 3, lines 4-18, note the wireless path and satellite, computers are all transmission devices.

**As to dependent claim 30, “one or more broker modules”** is taught in col. 5, lines 34-36 “A number of market servers can be employed to manage larger sizes of CDS systems 10” note the ‘broker modules’ is interpreted to be the ‘market server’;

**“each broker module receiving content from at least one local caster module”** is shown in ‘071 col. 6, lines 22-26 “In response to the user input device, the user device 12 initiates a transaction through the distribution router 16 to the market server 20, sending the metadata from the content block or reference content block being received when the “buy” button was depressed”, note the local caster module is interpreted to be ‘distribution routers’;

**“and at least one global caster module”** is disclosed in ‘071 col. 9, lines 12-18 “With reference to block 80 in FIG. 5, a broadcast station 18 places a floating reference content block into a broadcast stream. Metadata embedded in the stream or sent out-of-band specifies the duration and other information defining how the spot in the stream will be placed within the market. When the metadata is received by the market server 20, the market server 20 commences processing of the spot (block 82).”, note the broadcast station is interpreted to be equivalent to the global caster module, the broker module, i.e. the market server receives metadata from the broadcast station.

**As to dependent claim 31, “each of said one or more transmission devices is associated with one or more of said broker modules”** is taught in ‘071 col. 6, lines 22-26, note a server contains a transmission device.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to

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expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ECT*  
**Ellen. Tran**  
**Patent Examiner**  
**Technology Center 2134**  
11 December 2006

  
**GILBERTO BARRON JR**  
**SUPERVISORY PATENT EXAMINER**  
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